

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11636 of 2015

Arising out of PS.Case No. -135 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Ganesh Prasad Sah, S/o Jhulan Prasad Sah, resident of village -
Babhaniyaon, P.S. - Jagdishpur, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Hema Gupta @ Rupa Gupta, wife of Dinbandhu Prasad Sah, D/O Sri Triveni Sah, R/O Bamhaniyan, P.S.Jagdishpur, District-Bhojpur, at present R/O Village-Karnamepur, P.S. Shahpur, District-Bhojpur.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Aditya Narayan Singh-1, Advocate.
For the Opposite Party : Mr. Upendra Kumar(App)
For the O.P. No. 2 : M/S. Binod Kr. Singh & Shyam Kumar,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-09-2015 Heard learned counsels for the petitioner, complainant
and learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Mahila P.S. Case No. 135 of 2014 for the offences instituted
under Sections 376, 379, 498A, 420, 493, 504, 406 and 120(B)/34
of the IPC.

The prosecution story, in brief, is that the
informant/complainant's marriage was solemnized in the year
2003 with Dinbandhu Prasad and after marriage when the
complainant came at in-laws house found that her husband was an



ideal mind, then the informant told to the accused persons named in the complaint that the accused persons are by playing fraud got married to him and the informant told to return all the articles and amount which has been given by her parents since the informant cannot live with said Dinbandhu Prasad but all the accused persons requested the informant to save the prestige of the in-laws family and to live with Ganesh Prasad accused no. 1 as husband and wife and the informant started living with Ganesh Prasad brother of Dinbandhu Prasad as husband and wife and from wedlock to Ganesh Prasad the informant gave birth of three daughters aged about 7 years, 5 years and 3 years but due to birth of three daughters all the accused persons became annoyed with the informant and started torturing the informant and used to live the complainant without food and ultimately all the articles of the informant has been kept by the accused persons and the informant alongwith her daughters ousted from in-laws house on 04.04.2014.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is the Dewar of the informant and he has falsely been implicated in the present case.

On behalf of the State and the informant it has been submitted that the informant has been ousted from her in-laws

family and she is running hand to mouth and has no income to take care of her three daughters.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Mahila P.S. Case No. 135/2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhojpur, Ara, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that if the informant so desires she will take necessary steps in accordance with law for claiming maintenance before the appropriate court.

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(Sudhir Singh, J)